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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/408,112	09/29/1999	JEFFREY G. WHITE LAW	245/282	3606

22249 7590 07/05/2002

LYON & LYON LLP  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071

EXAMINER

ROUVAS, NIKOLAOS

ART UNIT PAPER NUMBER

2614

DATE MAILED: 07/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

<b>Office Action Summary</b>	<b>Application No.</b> 09/408,112	<b>Applicant(s)</b> WHITELAW, JEFFREY G.	
	<b>Examiner</b> Nikolaos Rouvas	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

The disclosure is objected to because of the following informalities: On page 26, line 7, the specification reads: “a program P does not While”. The examiner submits that the phrase “a program P” should be omitted.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7, 9, and 11-18, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,995,133 to Kim.

In regards to claims 1 and 2, the reference discloses a method for blocking out programs according to a viewer's preferences. “Preset rating” codes (column 2, line 8) such as “Television Guidelines” (column 5, line 48) and “Motion Picture Guidelines” (column 5, line 50) are permanently stored in the device, comprising of a rating and a subject matter category (Figures 11,12,16). A “receiving section” (column 2, line 41) receives the program signal and outputs audio and video via the “audio circuit” (column 2, line 44) and “video circuit” (column 2, line 46), while a decoder outputs a “rating code” (column 2, line 50) retrieved from the program's “rating signal” (column 2, line 48). A user can “select” (column 5, line 56) a rating code that is

compared with the program's read out rating code via the "control section" (column 2, line 51), which "executes an operation for blocking out the program" (column 5, lines 64-65) according to this comparison.

In regards to claim 3, the reference discloses that "if the rating code of the received program is out of scope of the preset rating code" (columns 6-7, lines 66-1), the audio and video outputs are blocked out.

In regards to claims 4-6, the reference clearly discloses television ratings, movie ratings, and one of the subject matter categories of FV, D, L, S, and V (see Figures 11-13, 16, and column 6, lines 6-7, 26).

In regards to claim 7, the reference clearly discloses a plurality of preset content-based specification sets such as "Television Guidelines", "Movie Guidelines", and "Unrated Programs" (see column 5, lines 47-53).

In regards to claim 9, Kim discloses a "restriction menu screen" (column 5, line 57) through which the user selects the specification set he desires.

In regards to claim 11, Kim discloses that a "password" (column 4, line 23) is to be entered when the user modifies and/or selects a preset specification set.

In regards to claim 12, Kim discloses that a "user's identification" (column 4, line 61) is to be used when modifying or selecting a rating code, whose operation is affected as described in columns 4-5, lines 65-6.

In regards to claims 13 and 14, Kim discloses a memory component where the rating codes are stored, which is either "random access memory or non-volatile memory" (column 4, lines 24-25). The memory is an integral part of the device, thus permanent. Modification and

selection of the desired rating code is done via a "macro function key" (column 4, line 22). As it is well known in the art, macros are sequences of computer instructions that get inserted into a program during execution or compilation (essentially, mini-programs). The control section compares the received rating code with the preset rating code and blocks the program signal accordingly. The control section is controlled by a "micro-computer" (column 4, line 34), which, upon determination of what action should be taken, "executes an operation" (column 5, line 64) and generates the appropriate control signal. A blocking signal is generated when "the rating code of the received program is out of scope of the preset rating code" (columns 6-7, lines 66-1).

In regards to claims 15-18, they are rejected based on the same criteria used to reject claims 4-7, respectively.

2. Claims 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,828,402 to Collings.

In regards to claim 20, Collings discloses an apparatus for selectively blocking A/V signals. The apparatus comprises of "non-volatile memory" (column 11, line 40), which is an integral part of the apparatus, thus permanent, and a logic unit (element 42) coupled to the non-volatile memory as can be seen from Figure 2. The unit detects the rating and subject matter category from the transmitted signal, compares it with "user preferences stored in memory" (column 3, line 6), and generates an appropriate control signal which either blocks or passes the transmitted program signal.

In regards to claims 21 and 26, the reference discloses an output device comprising of elements 39 and 34 as can be seen from Figure 2.

In regards to claim 22, Collings discloses a "remote control transmitter" (column 16, line 25), a "receiver" (column 16, line 22), and an "on screen display generator" (column 16, lines 22-23), which are used as a configuration entry system by the user.

In regards to claim 23, Collings clearly discloses a "data slicer" (column 8, line 51), which detects and extracts "one or more embedded codes in video signal" (column 3, lines 62-63).

In regards to claims 24 and 25, Collings discloses "switching means" (column 3, line 46), which can be in the form of "electromechanical relays or electronic switches" (column 3, line 51), or "apparatus which can selectively degrade signal, or add noise to signal" (column 3, lines 56-57), i.e., a scrambler.

In regards to claim 27, Collings discloses that the non-volatile memory can be "ROM" (column 11, line 43).

In regards to claim 28, Collings discloses a "microprocessor" (column 8, line 35), which controls the operation of the apparatus.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent No. 5,995,133 to Kim.

In regards to claims 8 and 19, Kim includes all of the limitations set forth in them, but does not disclose a single content-based specification set. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a single content-based specification set for the sake of simplicity, i.e., requiring the user to go through less steps when configuring his preferences.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in further view of U.S. Patent No. 6,216,263 to Elam. Kim includes all of the limitations set forth in claim 10, but does not disclose a dedicated function key. Elam however, discloses a “designation panel” (column 5, line 6), with “push-button switches which when depressed designate respective program content categories” (column 5, lines 10-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kim’s apparatus with Elam’s teachings so that a preset content-based specification set could be selected with a dedicated function key in order to make the user’s preferences configuration process faster and easier.

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant’s disclosure.

Lim et al. (6,037,969) discloses a method and apparatus for blocking out undesirable television programs. The program ratings are retrieved from the signal and extracted with a data slicer and compared to preset ratings.

Art Unit: 2614

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Nikolaos Rouvas** whose telephone number is **(703) 305-6955**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **(703) 305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks


Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**